

REMARKS/ARGUMENTS

Claim 14 has been amended. Claims 1-18 are pending.

The Examiner rejected claims 1-5, 8-12, and 18 under 35 U.S.C. 103(a) as being unpatentable over Gambacurta in view of DeVitt.

Regarding claim 1, neither Gambacurta nor DeVitt disclose or suggest computer readable code for displaying a composite equalization curve, wherein the composite equalization curve is formed from at least a first frequency filter with a first center frequency, a second frequency filter with a second center frequency, and a third frequency filter with a third center frequency. Col. 10, lines 30-49, of Gambacurta, cited by the Examiner, recites graphically displaying a plurality of knobs of a graphic equalizer, not a composite equalization curve, as recited in claim 1. Page 7, lines 14-25, and FIG. 14 of the applications state that the composite curve 448 is the sum of a first filter curve 450, a second filter curve 452, and a third filter curve 454. In addition, the composite equalization curve is not a sum of the curves shown in FIG. 9 of Gambacurata. The Examiner failed to point out anything in Gambacurata for generating a composite equalization curve which is formed from of at least three curves and displaying the composite equalization curve.

Claim 1 further recites that the first frequency filter has first center frequency, the second frequency filter has a second center frequency, and the third frequency filter has a third center frequency and computer readable code for allowing the dragging movement of the first center frequency, the second center frequency, and the third center frequency. Since Gambacurta uses knobs not a composite curve that is the sum of other curve, neither Gabacurta nor DeVitt teach or suggest adjusting the composite curve by moving the center frequency of the first second or third frequency filters, as recited in claim 1. Instead, Gabacurta and DeVitt may teach dragging movement of the knobs of a graphic equalizer. Col. 5, line 45, to col. 6, line 10, does not disclose graphically displaying the first center frequency, the second center frequency, or third center frequency. Instead, col. 6, lines 1-7, says that input is received from module 24, which is a graphic equalizer, as shown in FIG. 2 of the application. Therefore Gabacurta and DeVitt would not make obvious the dragging movement of the first center frequency, the second center frequency, and the third center frequency. The Examiner stated that it would have been obvious to combine DeVitt's teaching with Cambacurta because instead of using knobs as disclosed by

Gambacurta a mouse could be used for changing parameters of filters within an equalization system. DeVitt and Gambacurata would make obvious moving the knobs of Gambacurta using dragging by a mouse. However, neither reference discloses displaying the first, second, and third center frequencies and moving them by dragging movement of a mouse. For at least these reasons, claim 1 is not made obvious by Gabacurta in view of DeVitt.

Regarding claim 18, the Examiner failed to point out anything in Gabacurata or DeVitt that teaches or suggests a parametric equalization curve device, comprising a first filter control, comprising a first center frequency object, wherein a first center frequency may be changed by a dragging movement of the first center frequency object and a first type selector, which allows the selection of the first filter type, a second filter control, comprising a second center frequency object, wherein a second center frequency may be changed by a dragging movement of the second center frequency object and a second type selector, which allows the selection of the second filter type, a third filter control comprising a third center frequency object, wherein a third center frequency may be changed by a dragging movement of the third center frequency object and a third type selector, which allows the selection of the third filter type, a graphic display, for displaying the first center frequency object, the second center frequency object, and the third center frequency object to facilitate dragging movement, and for displaying a composite curve, and a parametric equalizer to provide real time equalization changes resulting from the dragging movement. As discussed above regarding claim 1, neither Gabacurata nor DeVitt teaches or suggests dragging movement of a first center frequency or second center frequency or third center frequency. Instead Gabacurata, teaches movement of knobs of a graphic equalizer. In addition, neither reference discloses the selection of filter types.

In addition, although various filter types are known, adjusting knobs of a graphic equalizer does not teach or suggest the selection of a filter type. For at least these reasons, claim 18 is not made obvious by Gabcurata in view of Devitt.

The Examiner rejected claims 6-7 under 35 U.S.C. 103(a) as being unpatentable over Gambacurta in view of DeVitt and Gibson. The Examiner did not provide a patent number for Gibson. Gibson is not listed in Form 1449 sent from the Applicant to the Examiner or in the Notice of References Cited. A copy of Gibson was not sent with the Official Action. The Applicant accordingly cannot argue this reference. The Examiner rejected claim 13 under 35 U.S.C. 103(a) as being unpatentable over Gambacurta in view of DeVitt and Tran.

Dependent claims 2-13 are also patentably distinct from the cited references for at least the same reasons as those recited above for independent claim 1, upon which they ultimately depend. These dependent claims recite additional limitations that further distinguish these dependent claims from the cited references. For example, claim 4 recites computer readable code for displaying equalization curves for a plurality of presets. The Examiner failed to point out anything in the cited references that teach this.

In addition, claim 5 further recites that the first filter has a first bandwidth and the second filter has a second bandwidth where the computer readable code allows for dragging movement of the first bandwidth and the second bandwidth. The Examiner has failed to specifically point out any art that teaches dragging movements of the first bandwidth and the second bandwidth.

In addition, claim 6, further recites computer readable code for providing a pull down menu for selecting a parametric filter type. For at least these reasons, claims 2-13 are not unpatentable over the cited references.

The Examiner rejected claims 14-17 under 35 U.S.C. 102 (e) as being anticipated by Tran. Claim 14 has been amended to further recite the generation of an equalization preset for a type of speaker and a type of sound, identifying the sound type and selecting a present for loading according to the type of speaker and type of sound. For at least this reason, claim 14, as amended, is not anticipated by Tran.

Dependent claims 15-17 are also patentably distinct from the cited references for at least the same reasons as those recited above for independent claim 14, upon which they ultimately depend. These dependent claims recite additional limitations that further distinguish these dependent claims from the cited references. For at least these reasons, claims 15-17 are not anticipated by Tran.

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a

telephone conference would expedite the prosecution of this application, the undersigned can be reached at telephone number (831) 655-2300.

Respectfully submitted,
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A handwritten signature in black ink, appearing to read "Michael Lee", with a long horizontal flourish extending to the right.

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